

# Memorandum to the City of Markham Committee of Adjustment

August 16, 2021

**File:** A/101/21  
**Address:** 15 Jondan Crescent – Markham, ON (Thornhill)  
**Applicant:** Christopher Malden  
**Hearing Date:** August 25, 2021

The following comments are provided on behalf of the West District Team. The applicant is requesting relief from the following “Third Density Single Family Residential (R3A)” zone requirement under By-law 2489, as amended, as it relates to an addition to the existing dwelling. The variance requested is to permit:

**a) By-law 2489, Section 6.1:**

a minimum east side yard setback of 4.0 ft (1.22 m), whereas the By-law requires a minimum side yard setback of 6.0 ft (1.83 m) for each side.

## **BACKGROUND**

### **Property Description**

The 561.96 m<sup>2</sup> (6,048.89 ft<sup>2</sup>) subject property is located on the south side of Jondan Crescent, north of Romfield Circuit, and west of Bayview Avenue. An existing two-storey detached dwelling currently exists on the subject lands. The property is located within an established residential neighbourhood which contains a mix of one and two-storey detached dwellings.

### **Proposal**

The applicant is proposing to construct a first and second floor addition located along the eastern side of the dwelling. The first floor addition would extend approximately 6.0 ft (1.80 m) south of the dwelling (at the rear) to accommodate a larger family room space; and the second floor addition would be located above the existing (and newly proposed) family room and garage. The second-storey addition would accommodate two new bedrooms, and a washroom.

### Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The subject property is designated “Residential Low Rise”, which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines development criteria for the “Residential Low Rise” designation with respect to height, massing and setbacks. This criteria is established to ensure that the development is appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street. In considering applications for development approval in a “Residential Low Rise” area, which includes variances, infill development is required to meet the general intent of these development criteria. Regard shall also be had for the retention of existing trees and vegetation.

### Zoning By-Law 2489

The subject property is zoned “Third Density Single Family Residential (R3A)” under By-law 2489, as amended, which permits one single detached dwelling per lot. The proposed development does not comply with the By-law requirement with respect to the minimum side yard setback to the east property line.

### **Zoning Preliminary Review (ZPR) Not Undertaken**

The applicant has confirmed that a ZPR has not been conducted. However, the applicant has received comments from the building department through their building permit process to confirm the variance required for the proposed development.

### **COMMENTS**

The *Planning Act, R.S.O. 1990, c. P.13, as amended*, states that four tests must be met in order for a variance to be granted by the Committee of Adjustment (“the Committee”):

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

### **Reduced Side Yard Setback (Two-Storey Portion)**

The applicant is requesting a minimum east side yard setback of 4.0 ft (1.22 m) for the two-storey portion of the dwelling, whereas the by-law requires a minimum side yard setback of 6.0 ft (1.83 m) for a two-storey portion of a dwelling.

***NOTE:*** *The By-law requires a minimum side yard setback of 4.0 ft (1.22 m) for a one-storey portion of a dwelling.*

The existing detached dwelling is currently one-storey in height along the east side, and is setback 4.04 ft (1.23 m) from the east property line. The requested variance would apply to the two-storey portion of the building along the east property line, as the ground floor (including the proposed first-storey addition) complies with the minimum side yard setback requirement of 4.0 ft (1.22 m). Engineering staff have reviewed the application and have not identified any concerns relating to drainage. The applicant is proposing to build a second-storey addition which would be within the footprint of the existing and newly proposed ground floor area, and staff do not have any objections to the request.

### **Tree Protection and Compensation**

Due to the proximity of the mature tree located south of the dwelling, and the proposed works, staff recommend that the Committee adopts the tree conditions in Appendix “A” to ensure the applicant installs the appropriate tree protection and provides any compensation, if required. A tree permit must first be obtained from the City for any trees with a trunk diameter of 20.0 cm or more at breast height (DBH) that the applicant proposes to injure or remove.

### **PUBLIC INPUT SUMMARY**

No written submissions were received as of August 16, 2021. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

### **CONCLUSION**

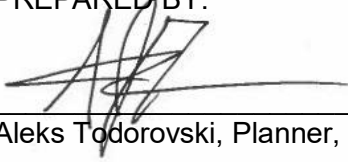
Planning staff have reviewed the application with respect to Section 45(1) of the *Planning Act*, and are of the opinion that the variance request meets the four tests. Staff recommend that the Committee consider public input in reaching a decision. The onus is ultimately on the applicant to demonstrate how they satisfy the tests of the *Planning Act* required for the granting of minor variances.

**APPENDICES**

Appendix "A" – Conditions of Approval

Appendix "B" – Plans

PREPARED BY:

A handwritten signature in black ink, appearing to read 'Aleks Todorovski', written over a horizontal line.

Aleks Todorovski, Planner, Zoning and Special Projects

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'Stephen Kitagawa', written over a horizontal line.

Stephen Kitagawa, Acting-Development Manager, West District

**APPENDIX "A"****CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/101/21**

1. The variance applies only to the proposed development as long as it remains.
2. That the variance applies only to the subject development, in substantial conformity with the batch stamped plans attached as Appendix "B" to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
3. That if required, tree protection be erected and maintained around all trees on site prior to the commencement of construction or demolition, including street trees, in accordance with the City's Streetscape Manual (2009), as amended, and inspected by the Tree Preservation Technician, or their designate, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.
4. That tree replacements be provided and/or tree replacement fees be paid to the Director of Planning and Urban Design, or their designate, if required, in accordance with the Tree Assessment and Preservation Plan, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Director of Planning and Urban Design, or their designate.

CONDITIONS PREPARED BY:



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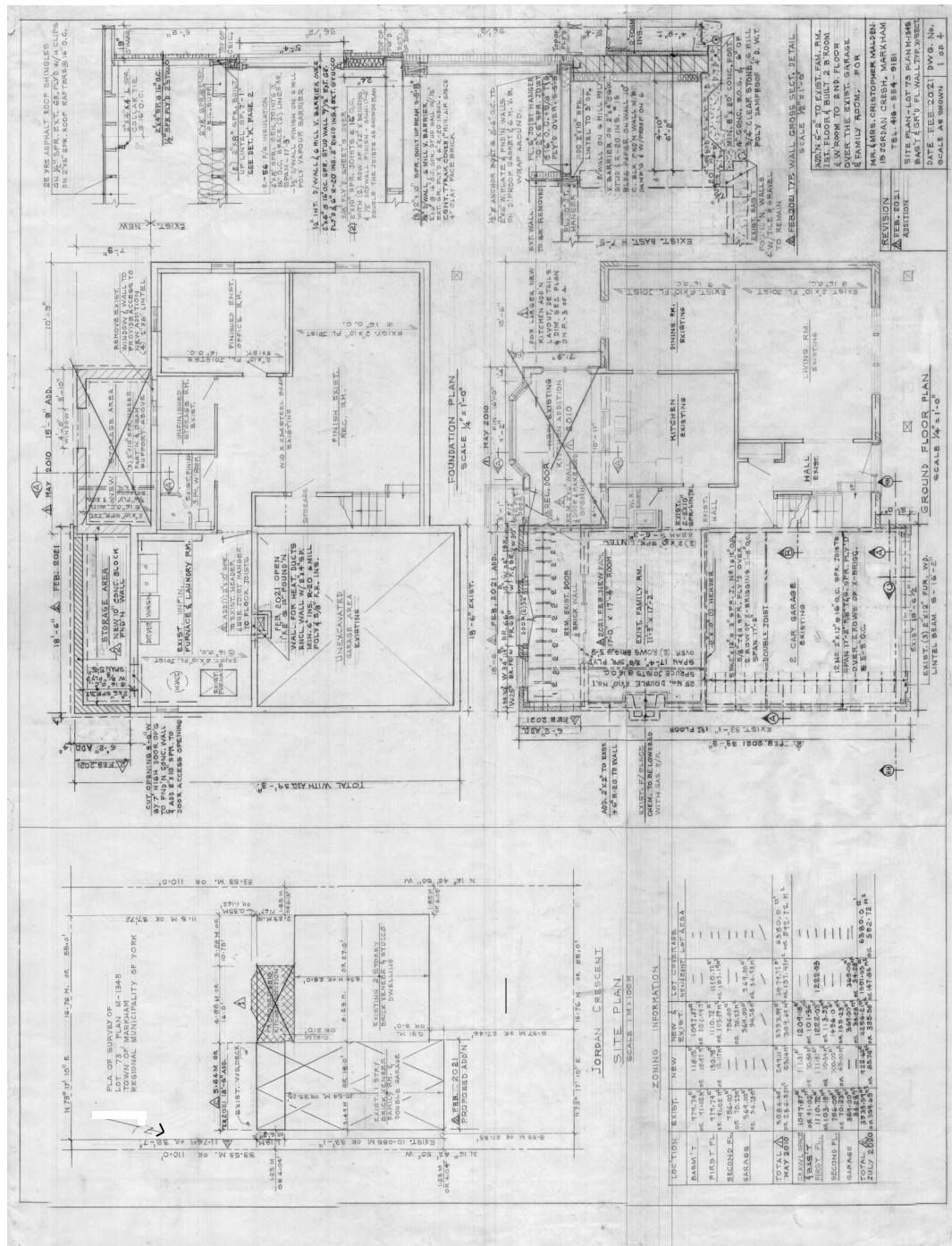
Aleks Todorovski, Planner, Zoning and Special Projects



**APPENDIX “B”**

**PLANS TO BE ATTACHED TO ANY APPROVAL OF FILE A/101/21**

## Date: 08/18/21



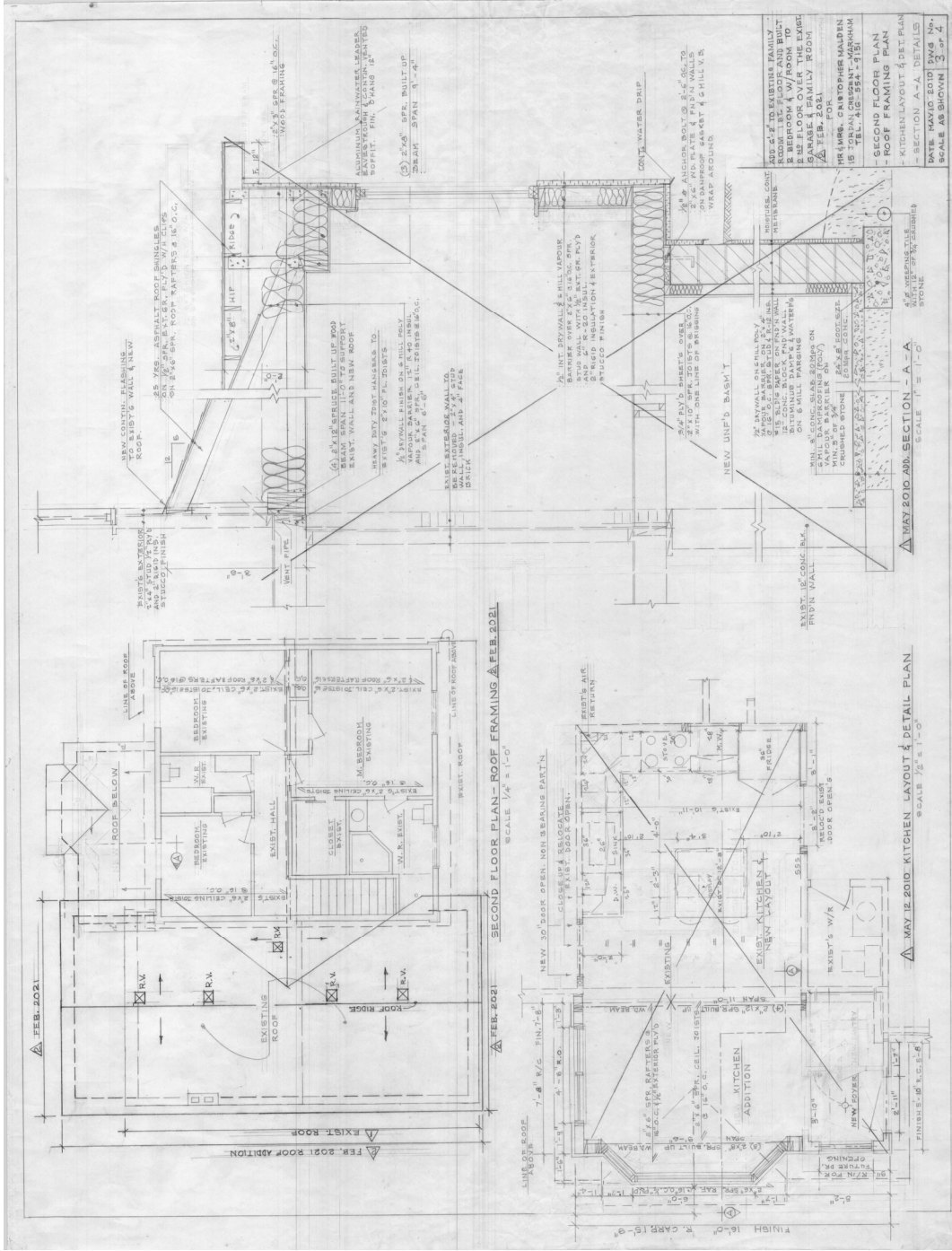


# Appendix B

File: 2112979000 00.MW

Date: 03/16/21

MMDDVVV



Date: 08/18/21

File: 21.129729.000.00.MNV

Date: 08/18/21

